

REMARKS

Claims 1-25 are pending in the application, with Claims 6-20 being drawn to a non-elected invention, but not yet withdrawn from consideration. It is gratefully acknowledged that Claims 4, 5, 24 and 25 have been allowed. Claims 1-3 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narvinger et al. (U.S. Patent 6,868,075) in view of Hirsch (U.S. Patent 6,442,193).

Regarding the rejection of independent Claims 1 and 21 under §103(a), the Examiner states that Narvinger et al. in view of Hirsch renders the features of the claims unpatentable. Narvinger et al. discloses a method and apparatus for compressed mode communications over a radio interface; and, Hirsch discloses combining sub-chip resolution samples in arms of a spread spectrum rake receiver. Applicants respectfully traverse.

Initially, the Examiner is respectfully directed to FIG. 8 of the present application.

First, each of Claims 1 and 21 recite that the Node B has at least two antennas. Neither Narvinger et al. nor Hirsch teaches or discloses a Node B with at least two antennas, and specifically a first antenna and a second antenna. Narvinger et al. discloses each base station (BS) having one (1) antenna. The Examiner is citing two base stations for disclosing a Node B with at least two antennas. Hirsch does not cure this defect.

Second, each of Claims 1 and 21 recite a first to fourth weights. The Examiner states that these features are disclosed by Narvinger et al., and cites the gain factors of element 55 of FIG. 14 and col. 18, lines 14-42. FIG. 14 and col. 18, lines 29-31 clearly illustrate at the very most only two (2) gain factors, β_c and β_d . Hirsch does not cure this defect.

Third, Claims 1 and 21 recite first to fourth multipliers. The Examiner states that these features are disclosed by Narvinger et al., and cites elements 55 of FIG. 14. Although FIG. 14 does disclose multipliers, the multipliers of FIG. 14 are not multiplying the signals as recited in

Claims 1 and 21 of the present application. The claims state four distinct multiplications: (1) multiplying a first weight for a first antenna by the first spread signal output from the first spreader, and outputting a first weighted spread signal; (2) multiplying a second weight for a second antenna by the first spread signal output from the first spreader, and outputting a second weighted spread signal; (3) multiplying a third weight for the first antenna by the second spread signal output from the second spreader, and outputting a third weighted spread signal; and (4) multiplying a fourth weight for the second antenna by the second spread signal output from the second spreader, and outputting a fourth weighted spread signal. As stated earlier, Narvinger et al. only discloses one output as shown at the output of element 59, the combined I and Q signal, not an output for a first antenna and an output for a second antenna. As stated above, only two gain factors are disclosed by Narvinger et al., not the four recited above.

Fourth, Claims 1 and 21 recite a first and second adder. The Examiner states that these features are disclosed by Hirsch, and cites elements 81 and 84 of FIG. 8. Although FIG. 8 does disclose adders, the adders of FIG. 8 are not adding the signals as recited in Claims 1 and 21 of the present application. The claims state two distinct additions: (1) a first adder for adding the first weighted spread signal to the third weighted spread signal, and transmitting the added signal through the first antenna; and (2) a second adder for adding the second weighted spread signal to the fourth weighted spread signal, and transmitting the added signal through the second antenna. As stated earlier, none of the references disclose a first antenna and a second antenna, and therefore cannot disclose transmitting the added signal through the first antenna and transmitting the added signal through the second antenna as recited in Claim 1 and 21. Also, Claims 1 and 21 recite adding the first weighted spread signal to the third weighted spread signal and adding the second weighted spread signal to the fourth weighted spread signal; four signals are used during the two additions. Hirsch only adds two signals. Narvinger et al. does not cure this defect.

Finally, the Examiner insists that the first adder and the second adder of the present invention correspond with elements 81 and 84 illustrated in Fig. 8 of Hirsch. However, element 31 including the above mentioned elements 81 and 84 is an element performing a receiving operation as a data despread, whereas the adders of the claims of the present application are

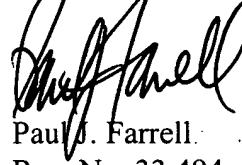
elements for performing a transmitting operation. Therefore, it is obvious that the first adder and the second adder of the present invention are different from elements 81 and 84 in Fig. 8 of Hirsch.

Based on at least the foregoing, withdrawal of the rejection of independent Claims 1 and 21 under §103(a) is respectfully requested.

Independent Claims 1, 6, 7, 9-12, 15, 18 and 21 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2, 3, 8, 13, 16, 17, 19, 20, 22 and 23, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2, 3, 8, 13, 16, 17, 19, 20, 22 and 23 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-3 and 6-23, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,



Paul J. Farrell
Reg. No. 33,494
Attorney for Applicant

DILWORTH & BARRESE
333 Earle Ovington Blvd.
Uniondale, New York 11553
Tel: (516) 228-8484
Fax: (516) 228-8516

PJF/MJM/dr